

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Ethan Thomas Breithaupt

Case Number: 2:03CR00220-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, U.S. District Judge

Date of Original Sentence: 12/15/2004

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute
Methamphetamine, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 9/1/2012

Original Sentence: Prison - 130 Months; TSR - 96
Months

Date Supervision Expires: 9/1/2020

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Prob 12B

Re: Breithaupt, Ethan Thomas

September 4, 2012

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Ethan Breithaupt was asked whether he would waive his right to a hearing, and agreed to the modification as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Breithaupt has agreed to the proposed modification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 4, 2012

s/Cassie Lerch

Cassie Lerch

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Extension of Supervision as Noted Above
☐ The Modification of Conditions as Noted Above
☐ Other

s/ Fred Van Sickle

Signature of Judicial Officer

9/4/12

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

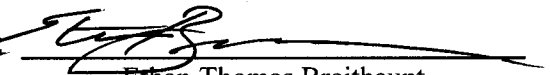
- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:



U.S. Probation Officer

Signed:



Ethan Thomas Breithaupt
Probationer or Supervised Releasee

August 30, 2012

Date